

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO: 05-30089 (RGS)

FIREMAN'S FUND INSURANCE COMPANY  
As Subrogee of  
Thirty Four Lime Street Trust, et al  
777 Marin Drive  
Novato, California 94998  
Plaintiff

VS

C. H. NEWTON CONTRACTORS  
549 W. Falmouth Highway  
Falmouth, MA 02540

and

ALAIRE PLUMBING & HEATING  
29 Gemmur Lane  
Bellingham, MA 02019-1905  
Defendants

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**STIPULATION OF DISMISSAL**

Pursuant to Fed. R. Civ. P., Rule 41(a)(1)(ii), the parties to the above-entitled action hereby stipulate that this action be dismissed with prejudice, without costs, and all rights of appeal being waived.

By,

/S/ Brian M. Cullen  
Brian M. Cullen  
Law Offices of Thomas M. Niarchos  
100 Summer Street, Suite 201  
Boston, MA 02110  
(617) 772-2800  
BBO #547427

Attorney for the Plaintiff,

/S/ Erik Loftus

Erik Loftus, Esq.  
Law Offices of Stuart G. Blackburn  
2 Concord Way  
P. O. Box 608  
Windsor Locks, CT 06096  
(860) 292-1116  
BBO#656315

Attorney for the Co-Defendant,

/S/ Scott Jay Tucker

Scott Jay Tucker, Esq.  
Tucker, Heifetz & Saltzman  
100 Franklin Street, Suite 801  
Boston, MA 02110  
(617) 557-9696  
BBO#503940

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